

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

RICHARD SCHAUB,

Petitioner, : Case No. 3:10-cv-233

- vs -

: District Judge Walter Herbert Rice  
Magistrate Judge Michael R. Merz

WARDEN ROBIN KNAB,

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Respondent. :

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**ORDER ADOPTING REPORT AND RECOMMENDATIONS**

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The Court has reviewed the Supplemental Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #8), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on July 23, 2010, hereby ADOPTS said Report and Recommendations.

Accordingly, it is hereby ORDERED that the Petition is DISMISSED with prejudice. Petitioner is also DENIED leave to appeal *in forma pauperis* and any request for certificate of appealability.

July 26, 2010.



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Walter Herbert Rice  
United States District Judge